

## REMARKS

Claims 1-19 remain pending in the application. Claims 1-19 currently stand rejected. Claims 1, 8, 10, and 18 are amended herein. No new matter has been added. The Applicant respectfully requests entrance of the amendments, consideration of the following remarks and allowance of the claims.

### Claim Rejections under 35 U.S.C. § 103 over Ennis in view of Byers

Claims 1, 6-8, 10, and 15-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,867,483 (Ennis) in view of U.S. Patent No. 6,975,594 (Byers). The Applicant respectfully disagrees for at least the following reasons.

The Applicant respectfully contends that Ennis and Byers do not disclose, teach or suggest all the elements of claim 1, as currently presented. Therefore, claim 1 should be allowed.

In particular, independent claim 1 recites a communication control system for bandwidth level selection. The communication control system comprises, in part, a processing system configured to display a graphical bandwidth level selection indicium *and a bandwidth history including a bandwidth selection history* on a display device, with the graphical bandwidth level selection indicium comprising two or more bandwidth level indicia and to receive a user input from the input device in response to the graphical bandwidth level selection, with the user input selecting a particular bandwidth level indicium of the two or more bandwidth level indicia.

Neither Ennis nor Byers discloses displaying *a bandwidth history including previous bandwidth selections*, as currently required by claim 1 (Current App., pg. 10, lines 16-20; pg. 11, lines 18-21; pg. 15, line 22 – pg. 16, line 6; and pg. 17, lines 7-18).

For at least the above reasons, Ennis and Byers fail to disclose or suggest all of the elements of claim 1. Therefore, claim 1 should be allowed.

Independent claim 10 contains limitations similar to those of claim 1 and, therefore, is also respectfully considered to be allowable. Additionally, the Applicant refrains from discussion of dependent claims 6-8 and 15-18 in view of their dependence from otherwise allowable independent claims.

Claim Rejections under 35 U.S.C. § 103(a) over Ennis in view of Byers and further in view of U.S Patent Application Publication US 2003/0079019 to Lolayekar et al, (hereinafter Lolayekar)

Dependent claims 2-5 and 11-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ennis in view of Byers and further in view of Lolayekar. The Applicant refrains from discussion of dependent claims 2-5 and 11-14 in view of their dependence from otherwise allowable independent claims 1 and 10. However, it is respectfully believed that the Lolayekar reference fails to overcome the shortcomings of the Ennis and Byers references as discussed above in the arguments distinguishing independent claims 1 and 10.

Claim Rejections under 35 U.S.C. § 103(a) over Ennis in view of Byers and further in view of U.S Patent Application Publication US 2003/0055972 to Fuller et al, (hereinafter Fuller)

Dependent claims 9 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ennis in view of Byers and further in view of Fuller. The Applicant refrains from discussion of dependent claims 9 and 19 in view of their dependence from otherwise allowable independent claims 1 and 10. However, it is respectfully believed that the Fuller reference fails to overcome the shortcomings of the Ennis and Byers references as discussed above in the arguments distinguishing independent claims 1 and 10.

## **CONCLUSION**

Based on the above remarks, the Applicant respectfully submits that claims 1-19 in their present form are allowable. Additional reasons in support of patentability exist, but such reasons are omitted in the interests of clarity and brevity. The Applicant respectfully requests allowance of the claims at the Examiner's earliest convenience.

Included herewith is payment for the appropriate fee under 37 C.F.R. § 1.17(a)(1) for a one-month extension of time (37 C.F.R. § 1.136(a)). The Applicant believes no additional fees are due with respect to this filing. However, should the Office determine additional fees are necessary, the Office is authorized to charge Deposit Account No. 21-0765 accordingly.

Respectfully submitted,

/Cynthia S. Mitchell/

**SIGNATURE OF PRACTITIONER**

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